



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
M. Bristow *et al.*

Serial No.: 09/782,953

Filed: April 25, 2000

For: DIAGNOSIS AND TREATMENT OF
MYOCARDIAL FAILURE

Group Art Unit: 1632

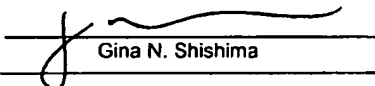
Examiner: Shukla, Ram R.

Atty. Dkt. No.: MYOG:004USD1/SLH

CERTIFICATE OF MAILING
37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-01450, on the date below:

November 12, 2004
Date


Gina N. Shishima

Adjustment date: 11/01/2006 CKHLOK
04/24/2006 SFELEKE1 00000048 501212 09558472
01 FC:1453 -1500.00 OP

APPEAL BRIEF

Adjustment date: 11/01/2006 CKHLOK
04/24/2006 SFELEKE1 00000048 501212 09558472
02 FC:1402 170.00 CR -330.00 OP

Repln. Ref: 11/01/2006 CKHLOK 0009091600
DAA:501212 Name/Number:09558472
FC: 9204 \$1830.00 CR

11/17/2004 ZJUHA1 00000131 09782953

01 FC:2402 170.00 OP

Adjustment date: 11/01/2006 CKHLOK
11/17/2004 ZJUHA1 00000131 09782953
01 FC:2402 -170.00 OP

11/01/2006 CKHLOK 00000006 501212 09558472
01 FC:2402 170.00 OP
02 FC:2231 55.00 DA

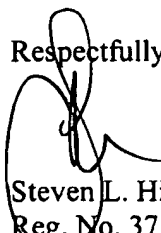
inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/MYOG:004USD1/SLH); Appeal Brief filed on November 12, 2004 wherein we noted the wrong application serial no. so the Appeal Brief was never matched up to the this file) and Petition for Extension of Time Under 37 CFR § 1.136(a). Enclosed herewith is a check in the amount of \$1,830.00 which covers the following fees –Petition to Revive Unintentionally Abandoned Application \$1,500.00; Appeal Brief \$500.00, minus \$170.00 paid for Appeal Brief filed on November 10, 2004.

The entire delay in filing the required documents was unintentional.

In view of the above, Applicant respectfully submits that the requirements of 37 C.F.R. § 1.137(b) have been met and request that this petition be granted.

While it is believed that no additional fees under 37 C.F.R. §§ 1.16 to 1.21 are occasioned by the filing of this petition, should the Commissioner determine otherwise, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/MYOG:004USD1/SLH.

Respectfully submitted,


Steven L. Highlander
Reg. No. 37,642
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
512.418.3184

Date: April 18, 2006



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
M. Bristow *et al.*

Serial No.: 09/558,472

Filed: April 25, 2000

For: DIAGNOSIS AND TREATMENT OF
MYOCARDIAL FAILURE

Group Art Unit: 1632

Examiner: Ram R. Shukla

Atty. Dkt. No.: MYOG:004USD1/SLH

CERTIFICATE OF MAILING
37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-01450, on the date below:

April 18, 2006
Date


Steven L. Highlander

APPEAL BRIEF

04/24/2006 SFELEKE1 00000048 501212 09558472

02 FC:1402 170.00 DA 330.00 DP

BEST AVAILABLE COPY



PTO/SB/17 (10-04)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 170.00

Complete if Known

Application Number	68-1003 09/656,472
Filing Date	April 25, 2000
First Named Inventor	Michael Bristow
Examiner Name	Shukla, Ram R.
Art Unit	1632
Attorney Docket No.	MYOG:004USD1

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

50-1212

Fulbright & Jaworski, LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X	<input type="text"/>	<input type="text"/>
Independent Claims	<input type="text"/>	- 3** =	<input type="text"/>	X	<input type="text"/>	<input type="text"/>
Multiple Dependent					<input type="text"/>	<input type="text"/>

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$)	

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	170.00
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 170.00

SUBMITTED BY

Name (Print/Type)	Steven L. Highlander	Registration No. (Attorney/Agent)	37,642	Telephone	512-536-3184
Signature	<i>[Signature]</i>	Date	11/12/04		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

2072

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: 10/30/06		2 Serial/Patent # 09558472		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input type="checkbox"/>	Filing			\$
<input type="checkbox"/>	Amendment			\$
<input type="checkbox"/>	Extension of Time			\$
<input checked="" type="checkbox"/>	Notice of Appeal/Appeal (1402)		04/21/06	\$ 500.00
<input checked="" type="checkbox"/>	Petition (1453)		04/21/06	\$ 1,500.00
<input type="checkbox"/>	Issue			\$
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$
<input type="checkbox"/>	Maintenance			\$
<input type="checkbox"/>	Assignment			\$
<input type="checkbox"/>	Other			\$
		7 TOTAL AMOUNT OF REFUND		\$2,000.00
		8 TO BE REFUNDED BY:		
10 REASON:		Treasury Check		
<input checked="" type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/>	Credit Deposit A/C #:	
	Duplicate Payment	9	5 0 -- 1 2 1 2	
<input checked="" type="checkbox"/>	No Fee Due (Explanation):			
Notice of Abandonment withdrawn.				
11 REFUND REQUESTED BY: C. T. Donnell				
TYPED/PRINTED NAME: C. T. Donnell		TITLE: Petitions Attorney		
SIGNATURE: <i>C. T. Donnell</i>		PHONE: 2723211		
OFFICE: 4700				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <i>CKH</i>		DATE: 11/1/06		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B